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Commissioners' report, agreed with the transcript of my remarks. It would be in the amount of \$29,500 for active deputy chiefs. There would be an additional \$33,700 to retirees who would have a higher scale in retirement. It would involve \$63,200 as the total additional cost. This was added on the House side as a reward to the deputy chiefs who had 30 years of continuous service in the department. It was a reward for long and distinguished service. It was a longevity reward, if one wants to call it that. Perhaps it could be called a bonus.

It is also true that the bill, as it was originally introduced in the House, did contain additional longevity steps for other police officers from the rank of sergeant through chief. And it may well be that after we come back next year that we may be faced with the problem of whether we allow this kind of longevity pay for others besides the deputy chiefs. The question before us now is whether we want to accept the recommendation of the conferees.

This question of salary for the deputy chiefs was argued long and, I hope, vigorously in conference. We took to a large extent some of the positions that the senior Senator from Oregon is now taking.

In conference, there must be give and take. There must be compromise. I do not believe this was an unjust compromise, nor do I believe it will set a bad precedent. There are other precedents that could be cited. Whether or not this is done, the question before us as far as the deputy chiefs are concerned is whether we want to give them this additional longevity pay. The difference is the figure between \$16,500, our original figure, and \$19,000, which is in the conference report before us.

I hope that the motion of the senior Senator from Oregon will be defeated.

The Senator from Oregon has commented on the differential between those in the higher brackets and those in the lower brackets.

Of course, this kind of differential is not unusual nor confined to this legislation. We recently passed a classified pay bill in which this was very, very clear. The pay bill that pertains to our own officers, insofar as our administrative assistants, legislative assistants, and secretaries are concerned, certainly gives a far greater percentage increase for those in the higher brackets than it does for those in the lower brackets. So, if such increases are fair in the classified pay bill in that respect, they are certainly fair in the bill before the Senate now.

I hope that the motion of my distinguished, able, and very close friend from Oregon will be defeated.

I yield to the Senator from Illinois.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

FAIR APPORTIONMENT HEARING IN MARYLAND SHOWS DIRKSEN ANTIREAPPORTIONMENT AMENDMENT WOULD CAUSE, NOT PREVENT, CHAOS IN MANY STATES

Mr. DOUGLAS. Mr. President, although only a few hours remain before the Senate is to recess for the Democratic Party convention, I believe it is important to make certain evidence bearing on the Dirksen antireapportionment amendment a part of the public record.

Last evening I had the privilege of being present at an unofficial hearing sponsored by the fair representation organizations of the States of Maryland, Virginia, and Delaware, which was called to discuss the effects of the Dirksen rider and the Tuck bill. Although the meeting was called on only 2 days' notice, the meeting hall in Silver Spring, Md., was filled to overflowing. Public address speakers had to be set up outside the building to accommodate the crowds which could not enter the hall. It was an excellent demonstration of the deep interest which millions of people have in protecting their rights to fair representation in the State legislatures. I venture to predict that this meeting will be duplicated in scores and perhaps even in hundreds of communities across the land, and that Members of Congress will increasingly realize that this fundamental issue is understood by the people and must be faced constructively by the Congress.

Mr. President, excellent testimony was given at the Silver Spring hearing, among others by Representative Charles Vanik, of Ohio; Representative James O'Hara, of Michigan; Royce Hanson, president of the Maryland Committee for Fair Representation and associate professor of government in the American University in the District of Columbia; Mr. Harrison Mann, plaintiff in the Virginia reapportionment suit and a distinguished member of the Virginia House of Delegates; Mr. Edmund Campbell, attorney in the Virginia suit; Mr. Donald Neiderhauser, president of the Delaware Reapportionment Committee; Mr. Newton Steers, Maryland Republican State chairman and an officer of the Maryland Committee for Fair Representation; Mr. Augustus C. Johnson, active in reapportionment struggles in the State of Virginia; and Senator Hanson, of the Virginia State Senate. Incidentally, Senator Hanson is a collateral descendant of the noble George Mason, who was the real author of the bill of rights.

The evidence presented at the hearing showed clearly that the Dirksen antiapportionment amendment will cause—and I emphasize "cause"—chaos in many States and will not prevent it, as its sponsors claim but refuse to show by any evidence.

I shall discuss the testimony presented last night in detail when the transcript of the hearings is available, but I wish to make available for the information of Senators and the general public some very impressive evidence. There is no basis whatsoever for the Dirksen anti-

reapportionment rider or for the Tuck bill if we are to consider the only alleged reason advanced by its proponents. They say that there would be chaos in State elections all across the country because of reapportionments ordered by the Federal courts. The facts show that the reverse is true. Forty-seven State legislatures will meet in regular session in the early part of 1965. In the majority of States where cases are pending the courts have stayed their orders or will take no action until after the 1964 elections. There are only four exceptions—Colorado, Connecticut, Michigan, and Oklahoma—and the plain facts are that no emergency exists in those States as the result of court action, although it is true that some State legislators are unhappy by the likelihood that they will lose their "rotten" borough seats.

At the hearing last evening Mr. Royce Hanson, president of the Maryland Committee for Fair Representation—and, as I have said, associate professor of government at American University—submitted for the record a State by State resumé of the status of reapportionment as of August 20, 1964—as of last night. His detailed and accurate analysis shows conclusively that no emergency exists even in the four States which are most frequently cited as requiring a moratorium, namely, Colorado, Michigan, Oklahoma, and Connecticut.

I wish to read an analysis prepared by Mr. Hanson of the situation in those four States.

In Colorado, an appeal of the Colorado Federal district court case, Lucas against 44th General Assembly, resulted in the U.S. Supreme Court's order for the reapportionment of that State's senate. The Colorado Legislature met in special session earlier in the year, redistricted the State, and it is our understanding that a primary has already been held. The State supreme court in the case, White against Anderson, held that the reapportionment of the State senate had violated a provision of the State constitution which stipulated that no county could be subdivided into districts. For example, the county of Denver was awarded nine senators and nine separate single districts were created within the county rather than having all nine run at large. The State supreme court held that this was in violation of the State's constitution, but, Mr. President—and this should be noted—it allowed the 1964 elections to continue and stated that the next regular session of the legislature should either provide for at-large elections or should amend the State's constitution, removing the clause that requires that counties cannot be subdivided.

So there is no chaos in the State of Colorado.

I should like to speak of the State of Connecticut. The Federal district court case of Butterworth against Dempsey, which had been appealed to the U.S. Supreme Court, has resulted in a Federal district court order for reapportionment this year. The Connecticut Legislature is now meeting in special session, creating the new districts which task they are to

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have completed by September 9. The primary is slated for later in September.

In Michigan, the case of Marshall against Schoelle was among the second group of cases decided by the U.S. Supreme Court, and in accordance with the Michigan constitution, the Michigan State Supreme Court selected one of the plans submitted by a member of a bipartisan reapportionment commission as a system to be used in this year's elections. The primary will be held September 1. There is no chaos in Connecticut or Michigan, though chaos might be created if we pass the Dirksen amendment.

Finally, in Oklahoma, which was discussed yesterday, it is true that probably more apportionment litigation has come out of Oklahoma than out of any other State.

Beginning in 1962 with the case of Williams against Moss and several subsequent suits, the legislature has on at least three separate occasions been ordered to reapportion itself. Following the return of the appeal of that case from the U.S. Supreme Court to the Federal district court, the lower court, utilizing a constitutional amendment adopted by the people on May 26 of this year in those respects as it was in conformity with the U.S. Supreme Court's ruling, established legislative districts for use in the 1964 elections. On that last point, though I may not be completely correct, it is my understanding that the new primary date has not been definitely established. I believe that the Governor has announced that he intends to implement the court order.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The primary election date of September 29 was set in Oklahoma. Only yesterday the Governor applied to Supreme Court Associate Justice Byron White for a stay. He is considering whether or not to grant the stay.

Mr. DOUGLAS. I thank the Senator. Instead of my information being correct as of last night, it was correct as of yesterday morning.

Mr. President, again, I point out that the Dirksen rider would cause chaos in virtually all of those States—in Colorado, in Connecticut, possibly even in Michigan, but most certainly in Oklahoma.

STATE-BY-STATE ANALYSIS ALSO SHOWS THAT DIRKSEN RIDER AND TUCK BILL WOULD HALT THE REAPPORTIONMENT PROCEEDINGS IN CASES FILED IN NEARLY EVERY STATE

But this State-by-State analysis indicates something else. It indicates also that reapportionment suits have been started in virtually all the States, and that the Tuck bill or the Dirksen amendment would stay the proceedings and prevent the Supreme Court or Federal courts from ordering reapportionment.

In the meantime the constitutional amendment could be submitted and would be passed upon by grossly malapportioned State legislatures which could then seal themselves into office for an indefinite period of time and be beyond action of the people.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. The point the Senator is making should be emphasized and underlined. The fact is that virtually the whole argument in favor of the Dirksen amendment is that time is necessary to have the States deal with the problem and to suspend the impetuous action of the Supreme Court.

The Senator from Illinois has put into the Record a State-by-State documentation that refutes that argument. Far from bringing disorder, we are moving ahead in an orderly way under Supreme Court action. On the other hand if we adopt the Dirksen amendment we shall indeed have a chaotic situation.

Mr. DOUGLAS. I thank the Senator. I shall try to be brief, but this is an important subject.

I said the Dirksen amendment and the Tuck bill would permit orders to be issued which would stay reapportionment cases which are already before Federal or State courts.

I point out that in Alabama, where the famous order in Reynolds against Sims was handed down, the State legislature has not yet complied. The Federal District Court has taken no action on reapportionment this year. But an order could be issued preventing the Federal courts from taking action.

In California, the Silver against Jordan case has been before the Federal district court for over a year. It is pending. The Dirksen amendment or the Tuck bill would prevent the Federal courts in California from passing upon this case.

In an Arizona suit filed before the Supreme Court a decision came down on June 15, 1964, and the order of the Supreme Court in the case of Arizona would be prevented and stayed.

In Delaware, as a result of the case of Sincock versus Roman, the Delaware Legislature met in special session and reapportioned the State legislature, but a challenge on the grounds of gerrymandering was filed by the initial plaintiffs. The Court has not ruled on the question of gerrymandering. But any attempts in this field would be stayed, and possibly the original order would also be stayed, by the Dirksen amendment or the Tuck bill.

In Florida, the case of Sobel against Adams was decided on an appeal by the U.S. Supreme Court, and the State is to reapportion its legislature. But that could be stayed by the Federal district court in Florida under the Dirksen or Tuck proposals.

In Georgia, a case pending in the Georgia Federal District Court, Toombs against Fortson, challenges the reapportionment of the House of Representatives. No action has been taken on this case. It is before the courts. It could be stayed.

In Hawaii, it is not certain that the legislature can reach agreement on reapportionment plans. Any court order could be stayed.

In Idaho, the case of Hearne against Smylie was decided by the U.S. Supreme Court in late June, but the Federal dis-

trict court in Idaho has stayed all action until after the 1965 session of the State legislature, and could be prohibited from making other orders.

In Illinois, due to provisions in our own State's constitution, the Illinois House of Representatives will be elected at large in November. However, a case is pending in the Federal district court, Germano against Kerner, which was remanded by the U.S. Supreme Court. The Court has not set a hearing, but any action could be stayed.

In Indiana, the consolidated case of Grills against Welsh and Stout against Hendricks upheld the present apportionment of the Indiana State Legislature. Further hearings are expected in the case. Any court order would be stayed if the Dirksen amendment or the Tuck bill were adopted.

In Iowa, the case of Davis against Synhorst was among the group of cases before the U.S. Supreme Court decided in late June and has now been returned to the Federal district court in Iowa. Any action of the court could be stayed by the passage of the Dirksen amendment or the Tuck bill.

In Kentucky the legislature reapportioned itself in 1963, but there might be court action staying the reapportionment. Kentucky is one of the three States that do not have a regular session next year, and where action, therefore, could go over to 1966 at the earliest, or possibly even 1967.

In Louisiana, readjustments in the lower house districts of Louisiana were made prior to a court ruling in the case of Daniel against Davis. Any court action—and I am not informed that any court action is pending—could be stayed.

In Maine no court action is pending, but court action would be prevented by the Dirksen amendment or the Tuck bill.

Maryland is a notorious case. The case of Maryland Committee for Fair Representation, under whose auspices the meeting last night was held, against Governor Tawes was among the original group of suits from six States decided on June 15, 1964. Court hearings will be held in early September, but these proceedings would be stayed and the present unjust representation in the Maryland Legislature, whereby 9 counties on the Eastern Shore with 220,000 people have 3 times the representation that Baltimore County, Montgomery County, and Prince Georges County have, would continue in effect.

In Minnesota legal action has recently been instituted, and any court action would be stayed by the Dirksen amendment or the Tuck bill.

In Mississippi reapportionment took place in early 1963 at the regular session of the legislature following a suit brought in the State court in the case of Fortner against Bennett. Mississippi does not have a regular session next year. So action could be stayed until, at the earliest, the end of 1966, and in my judgment for an indeterminate period later. I am not informed of any legal action that has been instituted in Montana, but if it were, court action would be stayed.

In Nebraska the Nation's only unicameral legislature is to be reapportioned

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at the next session as a result of a stay by a Federal district court of its own order in League of Nebraska Municipalities against Marsh. That action would be prevented under the Dirksen amendment or the Tuck bill.

In Nevada a case instituted more than a year ago, Paley against Sawyer, has not been pushed due to an unusual family situation in which the lawyer bringing suit would have had to file against his brother. No action has been taken on this suit, and to my knowledge it is dormant. But any court action would be stayed by the Dirksen amendment or Tuck bill.

In New Hampshire an earlier challenge to the New Hampshire Senate was not upheld, and a constitutional convention has met which, among other things, proposed a new apportionment. No legal action is expected, but any court order could be stayed.

In New Jersey, a challenge to New Jersey's Senate is now before the State supreme court in the case of Jackman against Bodine.

May I say that New Jersey is another case similar to Maryland. The south Jersey counties control the New Jersey Senate and have used that power in a most tyrannical way. They have a small population, but they have great voting strength.

When we Democrats go to Atlantic City in a few days, we go to a county once dominated by "Nocky" Johnson and now by Mr. Farley, who do not represent the highest civic virtues. The district has a relatively small population, but it exercises great power over the New Jersey Legislature.

In New Mexico a State ruling in the case of Cargo against Campbell has resulted in a new apportionment formula for use in the lower house, but this action could be stayed and would be stayed and prevented from going into effect by the Dirksen amendment.

In New York the situation is a trifle complicated. The New York case of WMCA against Lomenzo was among the cases from six States decided on June 15, 1964, by the U.S. Supreme Court. WMCA is the radio station in New York which instituted these proceedings. A Federal district court has subsequently held that the 1964 elections should take place on the basis of present districts, but that new districts shall be created in April 1965. This order would be stayed by the Dirksen amendment.

North Carolina: Rejection by the voters of a constitutional amendment that would have established a so-called little Federal plan ended the only apportionment controversy in North Carolina. Again, action would be prevented by the adoption of the Dirksen rider.

North Dakota: The Federal district court in North Dakota has refused in the case of Lien against Sathre and others to hear arguments until the State supreme court has had an opportunity to take action.

Action would be stayed by the Dirksen amendment.

In Ohio, the case of Nolan against Rhodes was among the second group of

cases decided by the U.S. Supreme Court, and lower court hearings have been set for late August or September. However, action would be stayed by the adoption of the Dirksen amendment.

I have already discussed the situation in Oklahoma.

In Pennsylvania a Federal district court has ruled in the case of Butcher against Trimachi and others that the 1965 regular session of the Pennsylvania Legislature will have to reapportion itself, as its last apportionment was not in conformity with earlier court orders. This would be prevented under the Dirksen amendment or the Tuck bill.

In Rhode Island there is the case of Sweeney against Notre, which is to be heard later this month, in August. A constitutional convention which has been under consideration in Rhode Island for several years is expected to be called sometime in the near future. One of its major considerations will, of course, be a new apportionment formula. No action is expected to affect the 1964 elections. Again, any court action this year or next year or in the indeterminate future would be stayed.

Tennessee is the home of the first great case, Baker against Carr. However, Tennessee's legislature from 1901 up until the time of the Federal decision in 1962 had refused to reapportion itself in conformity with the State's own constitution. Tennessee does not hold an election this fall. Therefore action would be put off under the Dirksen amendment for a number of years at least.

In Utah, no final decision has been rendered in the case of Petusky against Clyde, and no decision is expected this year. It would be stayed.

We discussed at some length the situation in Vermont with the Senator from Vermont [Mr. AIKEN]. A Federal district court in the case of Buckley against Hoff ordered the reapportionment of the Vermont Legislature, stipulating that this could be done in 1964 but that it was not mandatory. If, however, the redistricting is not done in time for the 1964 election, the next legislature may—and I emphasize the "may"—take up necessary legislative functions but it supposedly may not take up any straight policy legislation until it has redistricted itself. Again the orders of the Federal court could be stayed by the Dirksen amendment, and would be.

Virginia: I have discussed the case of Mann against Davis. Virginia does not hold elections this fall. It does not have a regular session slated in 1965. Any court action, therefore, would be stayed for an indeterminate period of time.

There has been a decision with regard to the State of Washington by the U.S. Supreme Court. It is in the case of Thigpen against Meyers. It was among the second group of cases decided by the U.S. Supreme Court, and it presented alternatives to that State. Any effect of this Court order could be and would be stayed and prevented from going into effect by the Dirksen amendment and the Tuck bill.

In West Virginia action resulted in a reapportionment of both houses of the

West Virginia Legislature, but the court has retained jurisdiction of the case, and no action is expected until 1965. It may be that their jurisdiction could be dismissed. Whether the reapportionment would stand or not is another question.

My friend the Senator from Wisconsin has already discussed the situation in that State, and I shall not go into it.

In Wyoming an earlier State court action in the case of Whitehead against Gage resulted in a reapportionment. It is not certain whether this would stick under the Dirksen amendment or the Tuck bill.

I ask unanimous consent that this analysis, prepared by Dr. Royce Hanson, be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. I wish to thank Mr. Hanson and his associates for their thorough work, which I used as a quarry for the presentation of my statement.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Mr. President, I realize that Senators are eager to vote on the pending conference report, but I think this speech of the Senator from Illinois is extremely important and is by far the most serious and practical indictment of the Dirksen amendment that we have had. It is absolutely devastating. The junior Senator from Illinois [Mr. DIRKSEN] contended that in 99 2/3 percent of the cases his amendment would be mandatory on the Supreme Court. The senior Senator from Illinois [Mr. DOUGLAS] has shown that in the majority of the States it would mean that apportionment would be in danger of being set aside and in many cases it would be set aside. What does that mean?

What this setting aside of State apportionment in response to the Dirksen amendment means is that in case after case those running for election would have to run again. They would have to file again. The confusion would be very great. In some cases it would be necessary to have the legislature carry over, because people cannot be without government.

The Senator has directed his attention to this subject with a well-documented analysis by responsible people. I suggest that Senators from every State consider very carefully what the Dirksen amendment would do to apportionment in their own States.

The Senator from Illinois [Mr. DOUGLAS] has performed a very great service to the country and the Senate. Senators should read this analysis, and think about it. They will recognize the fact that if the Dirksen amendment were adopted, it could be very serious in a practical way as well as being absolutely wrong in principle.

Mr. DOUGLAS. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Mr. President, I am calling attention to one point which may

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or may not be in the mind of the Senator. I noticed that on two or three occasions in his discussion he mentioned the fact that he understood the Dirksen amendment would stay proceedings in State courts. That is not my understanding of the Dirksen amendment. I am wondering if the Senator intended to make that statement or if he seriously makes that contention.

My understanding is that the Dirksen amendment is confined in its action to the jurisdiction of the Federal courts, and that it has no reference to State courts.

If I am incorrect in that I should like to be corrected.

Mr. PROXMIRE. Mr. President, will the Senator yield to me on that point?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. We have studied this question in great detail in Wisconsin, and I have talked with the lawyer, Roland Day, who handled this case before the State supreme court in Washington. He has explored this Dirksen amendment question in great detail. He says there is very serious question that it is possible, since the Federal court has jurisdiction over apportionment, and the Supreme Court has said so, that the Dirksen amendment could very well be interpreted to provide that the action of the Wisconsin State Supreme Court could be upset by the language in the amendment. This would throw out our primary and possibly our general election in Wisconsin. I think perhaps it would not be; I hope it would not be. But the Senator from Illinois has shown that in case after case it is not necessary to rely on that, because it is not a State court but a Federal court that decides the question.

Mr. HOLLAND. It is my strong belief that the Dirksen amendment has no application whatever to State courts. I find no indication in it that it does, and I cannot see how it could.

I make this point so that if there be any correction required in the very fine discussion just made by the Senator from Illinois [Mr. DOUGLAS] that he would care to make, he would be free to do so.

Mr. DOUGLAS. As everyone knows, I am not a lawyer. Therefore, I cannot pass fully upon this question. I suggest, however, that since the Federal courts have asserted jurisdiction over methods of representation in State legislatures, it would seem to me that they would be empowered to issue stay orders affecting decisions of State courts. That is my first point.

My second point is that I do not fully understand the precise definition of the term "any court of the United States." That may have a technical meaning referring merely to courts federally appointed; but if the State courts are blanketed into the Federal judicial system, as I understand they are, they would become not merely courts of their State, but also courts of the United States.

I throw this out merely to indicate to a casual eye—and I admit to a somewhat unskilled eye—that the case is not so clear as the Senator from Florida says it is.

Mr. HOLLAND. Without laboring the matter, the words "any court of the United States," referred to by the distinguished senior Senator from Illinois, have always been used in our legislation as applicable solely to the Federal judicial system. My complete belief is that those words are confined in their reference to that system, and that there is no application in the proposed Dirksen amendment to State courts of any sort whatsoever.

Mr. DOUGLAS. As the Senator from Wisconsin and I have suggested, that limited meaning is not at all clear.

EXHIBIT 1

STATE-BY-STATE ANALYSIS OF STATUS OF REAPPORTIONMENT ACTION, AS OF AUGUST 20, 1964

Alabama: A suit brought in a Federal district court in 1962 resulted in a temporary reapportionment of the legislature based on parts of two different legislative acts which were utilized by the Federal district court in the State for the new plan. The court's order was appealed to the U.S. Supreme Court and was the famous *Reynolds v. Sims*. The Federal district court in Alabama has taken no action on reapportionment this year, and it is expected that the next regular session meeting in January will take up the matter.

Alaska: No legal action has been instituted.

Arizona: A suit was filed shortly before the U.S. Supreme Court decisions of June 15, 1964, but no action has been taken.

Arkansas: No legal action has been filed.

California: A suit entitled *Silver v. Jordan* has been before the Federal district court for over a year. No action has been taken and none is scheduled this year to my knowledge.

Colorado: An appeal of the Colorado Federal district court case, *Lucas v. 44th General Assembly*, resulted in the U.S. Supreme Court's order for the reapportionment of that State's senate. The Colorado Legislature met in special session earlier in the year, redistricted the State, and it is our understanding that a primary has already been held. The State Supreme Court in the case, *White v. Anderson*, held that the reapportionment of the State senate had violated a provision of the State constitution which stipulated that no county could be subdivided into districts. For example, the County of Denver was awarded nine senators and nine separate single districts were created within the county rather than having all nine run at large. The State Supreme Court held that this was in violation of the State's constitution but allowed the 1964 elections to continue and stated that the next regular session of the legislature should either provide for at-large elections or should amend the State's constitution, removing the clause that requires that counties cannot be subdivided.

Connecticut: The Federal district court case of *Butterworth v. Dempsey*, which had been appealed to the U.S. Supreme Court, has resulted in a Federal district court order for reapportionment this year. The Connecticut Legislature is now meeting in special session, creating the new districts which task they are to have completed by September 9. The primary is slated for later in September.

Delaware: As a result of the case of *Sincock v. Roman*, the Delaware Legislature met in special session and reapportioned the State legislature, and a primary utilizing these districts has already been held. A challenge on the grounds of gerrymandering was filed by the initial plaintiffs, but the court has not ruled on this and is evidently not going to interfere with this year's election.

Florida: The case of *Sobel v. Adams* was

decided on an appeal by the U.S. Supreme Court, and the State is to reapportion its legislature. The Federal district court in Florida is not expected to take any action this year.

Georgia: A case pending in the Georgia Federal district court, *Toombs v. Fortson*, challenges the apportionment of the house of representatives. No action has been taken on this case, but in a related matter dealing with a State constitutional revision effort, the same three-man court intimated that the next regular session of the Georgia Legislature should reapportion itself.

Hawaii: No court action has been sought, but the Governor and State legislature agreed to a special session which is now meeting to decide whether reapportionment should take place this year. The State's regular primary is not slated to take place until October 3, but it is still not known whether the legislature can reach agreement on a plan.

Idaho: The case of *Hearne v. Smylie* was decided by the U.S. Supreme Court in late June, and the Federal district court in Idaho has stayed all action until after the 1965 session of the State legislature.

Illinois: Due to provisions in the State's own constitution, the Illinois House of Representatives will be elected at large this November. This was not the result of any legal challenge in the Federal courts to the apportionment of the house. This has occurred as a result of orders of the State supreme court. However, a case is pending in the Federal district court, *Germano v. Kerner*, which was remanded by the U.S. Supreme Court. No action is contemplated this year, as the court has not set hearing to take place until later this year.

Indiana: The consolidated case of *Grills v. Welsh* and *Stout v. Hendricks* upheld the present apportionment of the Indiana State Legislature. Further hearings are expected in the case, but not until next year.

Iowa: The Iowa case of *Davis v. Snyhorst* was among the group of cases before the U.S. Supreme Court decided in late June and has now been returned to the Federal district court of Iowa. Plaintiffs are not asking for any action this year, as a temporary plan adopted at the last regular session of the legislature is to be utilized in the 1964 election, and the next regular session of the legislature is expected to take up the matter.

Kansas: Both houses of the legislature were reapportioned at the last session of the legislature as a result of the case of *Harris v. Shanahan*. No further court action will take place this year.

Kentucky: The Kentucky legislature reapportioned itself in 1963. A case has been filed, but no action has been taken and none seems to be contemplated. Kentucky is one of three States that do not have a regular session next year.

Louisiana: Readjustments in the lower house districts of Louisiana were made prior to a court ruling in the case of *Daniels v. Davis*, which had been brought. To our knowledge no court action is pending in the State.

Maine: No court action is pending, and constitutional amendments adopted in 1962 eased disparities in legislative district sizes that had existed previously.

Maryland: The case of *Maryland Committee for Fair Representation v. Tawes* was among the original group of suits from six States decided June 15, 1964. Maryland holds no general election for its assembly this year. Court hearings will be held in early September.

Massachusetts: The Massachusetts Legislature has long been apportioned essentially upon the basis of population, and no court action is expected.

Michigan: The case of *Marshall v. Schoelle* was among the second group of cases decided by the U.S. Supreme Court, and in

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accordance with the Michigan Constitution, the Michigan State Supreme Court selected one of the plans submitted by a member of a bipartisan reapportionment commission as a system to be used in this year's elections. The primary will be held September 1.

Minnesota: Legal action has only recently been instituted, and no court decision is expected this year.

Mississippi: Reapportionment took place in early 1963 at the regular session of the legislature following a suit brought in the State court, *Fortner v. Bennett*. To our knowledge no new suit has been filed. Mississippi does not have a regular session next year.

Missouri: Challenges to the present apportionment are before a Missouri Federal district court. We have received no word of hearings having been held; thus far no action is contemplated this year.

Montana: No legal action has been sought.

Nebraska: The Nation's only unicameral legislature is to be reapportioned at the next regular session as a result of a stay by a Federal district court of its own order in *League of Nebraska Municipalities v. Marsh*.

Nevada: A case instituted more than a year ago, *Paley v. Sawyer*, has not been pushed due to an unusual family situation in which the lawyer bringing suit would have had to file against his brother. No action has been taken on this suit, and to our knowledge it is quite dormant at this time.

New Hampshire: An earlier challenge to the New Hampshire Senate was not upheld, and a constitutional convention has met which, among other things proposed a new apportionment on which there is substantial agreement. No legal action is expected.

New Jersey: A challenge to New Jersey's Senate is now before the State supreme court, *Jackman v. Bodine*. The State does not have elections this year, so 1964 will not be affected.

New Mexico: A State court ruling in the case of *Cargo v. Campbell* has resulted in a new apportionment formula for use in the lower house. The court has retained jurisdiction, but hearings are not to take place until 1965.

New York: The New York case of *WMCA v. Lomenzo* was among the cases from six States decided on June 15, 1964, by the U.S. Supreme Court. A Federal district court has subsequently held that the 1964 elections shall take place on the basis of present districts but that new districts shall be created by April 1965. New York has a regular session meeting in January, but due to certain political considerations in the State, the Governor and legislative leaders have said that the lameduck legislature, that is, the members of the present legislature, not those who will be elected this November, will be called into special session on December 1 to consider proposals that shall be submitted to it by a special commission already appointed by the Governor. The legislature elected in 1964 shall serve for 1 year, and a new legislature will be elected on the basis of the districts to be created before next April in the general election of November 1965. That legislature shall also serve for only 1 year, and then in 1966, the gubernatorial election year, the normal 2-year cycle will be reinstated. A suit has been filed to stay the court's ruling regarding the length of legislative terms only. The court's 1-year ruling was established so that the State might get back into regular cycle with the gubernatorial election with a legislature apportioned in accordance with the U.S. Supreme Court's ruling.

North Carolina: Rejection by the voters of a constitutional amendment that would have established a so-called little Federal plan ended the only apportionment controversy in North Carolina as the legislature

had already reapportioned itself that year. No court action has been filed.

North Dakota: The Federal district court in North Dakota has refused in the cases of *Lien v. Sathre* and others to hear arguments until the State supreme court has had an opportunity to take action.

Ohio: The case of *Nolan v. Rhodes* was among the second group of cases decided by the U.S. Supreme Court, and lower court hearings have been set for late August or September. No action is expected this year.

Oklahoma: Probably more apportionment litigation has come out of Oklahoma than from any other State. Beginning in 1962 with the case of *Williams v. Moss* and several subsequent suits, the legislature has on at least three separate occasions been ordered to reapportion itself. Following the return of the appeal of that case from the U.S. Supreme Court to the Federal district court, the lower court, utilizing a constitutional amendment adopted by the people on May 26 of this year in those respects as it was in conformity with the U.S. Supreme Court's ruling, established legislative districts for use in the 1964 election. To our knowledge the new primary date has not been definitely established, although the governor has announced that he intends to implement the Court's order.

Oregon: Oregon has long utilized a population basis for both houses of its legislature. No court action has been brought.

Pennsylvania: A Federal district court has ruled in the cases of *Butcher v. Trimachi* and others that the 1965 regular session of the Pennsylvania Legislature will have to reapportion itself as its last apportionment was not in conformity with earlier court orders.

Rhode Island: The case of *Sweeney v. Notre* is to be heard later this month. A constitutional convention which has been under consideration in Rhode Island for several years is expected to be called sometime in the near future. One of its major considerations will, of course, be a new apportionment formula. No court action is expected to affect the 1964 elections.

South Carolina: No court action has been sought.

South Dakota: No court action has been sought.

Tennessee: Home of the first great case, *Baker v. Carr*, Tennessee's legislature has still to complete the reapportionment of itself in conformity with the State's own constitution, which requires a population basis for both houses.

Texas: The case of *Kilgarlin v. Martin* has not been decided by the Federal district court. No action is expected until next year, at least none that will affect the 1964 elections.

Utah: No final decision has been rendered in the case of *Petuskey v. Clyde* and no decision is expected this year.

Vermont: The Federal district court in the case of *Buckley v. Hoff* ordered reapportionment of the Vermont Legislature, stipulating that this could be done in 1964 but that it was not mandatory. If, however, the redistricting is not done in time for the 1964 election, the next legislature may take up necessary legislative functions such as ratification of gubernatorial appointments and passage of the budget or other fiscal matters, but it may not take up any straight policy legislation until it has redistricted itself. There are, at this time, two commissions working on legislative plans, one appointed by and reporting to the Governor, and one appointed by and reporting to the legislature.

Virginia: The case of *Mann v. Davis* was among the original group of cases decided by the U.S. Supreme Court on June 15, 1964. Virginia does not hold elections this fall and does not have a regular session slated in 1965. No court action has been taken or is expected in the immediate future.

Washington: The case of *Thigpen v. Meyers* was among the second group of cases decided by the U.S. Supreme Court. The Federal district court offered the alternative to the State of redistricting prior to the 1964 election or using weighted voting in the next session of the legislature if it is elected from the present districts. This action was handed down in late July. Due to certain political considerations in the State the Governor and some legislative leaders felt it better to utilize the weighted voting than to call a special session, and, apparently, in its next session the legislature will use a system wherein each legislator will cast a number of votes weighted on the basis of the population of the district he represents.

West Virginia: Earlier court action resulted in a reapportionment of both houses of the West Virginia Legislature. The court has retained jurisdiction of the case but no action is expected until 1965.

Wisconsin: As a result of a State court ruling in the case of *Reynolds v. Zimmerman*, both houses of the Wisconsin Legislature have been reapportioned on the basis of population according to a districting plan laid down by the State court similar in most respects to the one passed by the legislature but vetoed by the State's Governor.

Wyoming: An earlier state court action in Wyoming in the case of *Whitehead v. Gage* resulted in a reapportionment. To our knowledge no court action is pending at this time.

ORDER FOR ADJOURNMENT OF BOTH HOUSES OF THE CONGRESS FROM TODAY UNTIL MONDAY, AUGUST 31, 1964

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 359.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the two Houses shall adjourn on Friday, August 21, 1964, and that when they adjourn on said day they stand adjourned until 12 o'clock noon on Monday, August 31, 1964.

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the concurrent resolution (H. Con. Res. 359) was considered and agreed to.

AUTHORIZATION FOR SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT PRO TEMPORE OF THE SENATE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DURING THE ADJOURNMENT OF CONGRESS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Concurrent Resolution 360.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The legislative clerk read, as follows:

Resolved by the House of Representatives (the Senate concurring), That notwithstanding any adjournment of the two Houses until August 31, 1964, the Speaker of the House of Representatives and the President pro tempore of the Senate be, and they